

Serial No. 10/534,550
Office Action dated October 10, 2006
Amendment dated December 27, 2006

REMARKS/ARGUMENTS

Claims 1-5, 12, 21 and 25-33 are pending. Claims 6-11, 13-20 are canceled. New claims 25-33 were added.

The drawings were objected to under 37 CFR 1.83(a) on the basis that they fail to show decorative covers as described in the specification. The objection to the drawings will not be held in abeyance.

The drawing objection, to the extent it is understood, is respectfully traversed. The drawing objection is based on a contention that the drawings fail to show decorative covers as described in the specification. Such decorative covers, however, are clearly shown in Figs. 5A and 6C as the component identified by reference numeral 110. Nevertheless, the reference to “covers” in paragraph [0055] does not explicitly use the adjective “decorative”, but it does use the terms “form fitting covers” and replaceable “front facade panels”. Thus, claim 24 was amended accordingly for consistency. Since the claimed subject matter no longer recites “decorative”, the drawing objection is believed obviated and warrants withdrawal. Further drawing amendment beyond that already depicted is not believed “essential” for a proper understanding of the disclosed invention, because paragraph [0055] is sufficiently explicit in its description to enable a skilled artisan to readily understand the use of covers without more illustration.

Claims 3-4, 9 and 16 were rejected under 35 U.S.C. 112, second paragraph as being indefinite due to the recitation in claim 3 of “and/or” and the recitation of “generally oven-shaped appliance” in claims 9 and 16. The “and/or” language was removed from claim 3 and the dependency of claims 9 and 16 was changed to provide antecedent basis. The rejection warrants withdrawal. Other dependent claims were amended to change “generally oven-shaped” to simply “oven” and to change “generally stove-top shaped” to simply “stovetop”.

Serial No. 10/534,550
Office Action dated October 10, 2006
Amendment dated December 27, 2006

Claims 1-3, 5-11, 13-19, 21-23 were rejected as being anticipated under 35 USC 102 by US Patent No. 5,572,984 to Alden et al. Claims 4, 12, 20 and 24 were rejected as unpatentable under 33 USC 103 over the Alden et al. patent in view of US Patent No. 3,858,091 to Wilkinson. These rejections are traversed in view of the present amendment.

Claim 1 was further amended to recite the subject matter of claim 4 with respect to a common utility chassis being provided for connecting the appliances to utilities within the frame. As a consequence, the rejection for anticipation under 35 USC 102 over Alden et al. is obviated. That is, Alden does not indicate that the utilities are within a utility chassis that is an integral part of the frame structure.

Neither Alden nor Wilkinson disclose the availability of a utility that may or may not need to be used. In contrast, the pending independent claims 1 and 35 call for a utility chassis that contains utilities. The utility chassis in effect renders the utilities available at all times throughout the frame so that the utility needs of the component determine whether or not the utility is “tapped.”

Indeed, Alden et al. does not indicate that the utilities are readily available and specifically refers to the utilities as being provided in a “conventional manner.” In other words, the utility hook ups will be “mounted” on the back wall of said unit for coupling appliances to an energy source. This will require work by other trades (i.e. electrician, plumber, etc.) whereas the subject matter of the pending independent claims 1 and 13 offers the ability for someone to modify the system (i.e. restaurant operator) who is NOT skilled in the art of construction, because provision for utilities is made readily available as an integral part of the frame structure with appropriate connectors.

Further, col. 3 lines 14-17 of Alden et al. states that a MODIFIED chassis could provide

Serial No. 10/534,550
Office Action dated October 10, 2006
Amendment dated December 27, 2006

a module 50 that combines the center, lower and upper portions to provide a freezer compartment 52. Col. 3 lines 18-21 of Alden et al. goes on to comment that the basic module of this invention can be SUBSTANTIALLY MODIFIED as desired to accommodate conventional types of appliances dimensioned to fit in the standard chassis spaces.

In contrast, claim 1 recites that the relative positions of each of the different types of connectors be same for each of the clusters. Such a recitation is supported in paragraph [0038] and obviates the need for substantial modifications to the frame to accommodate different types of appliance units. As long as the utility connections of the appliance units are compatible with the relative positions of the different types of connectors which is the same for any of the clusters, the enclosure defined by the frame will be able to accommodate the appliance unit by appropriate placement of the guides or dividers. Certainly no substantial modification is necessary, unlike the situation in Alden et al.

Wilkinson discloses a quick release mounting structure for modules, but it only discloses a frame suited to accommodate a single, solitary appliance unit. For instance, pending claim 4 sets forth advantages in providing for a utility chassis suited to accommodate powering appliances within the frame or those within an adjacent frame. Such is well beyond the disclosure of Wilkinson, which fails to envision making provision for multiple appliance units to be operated simultaneously and carried by a common frame.

A modification of Alden et al. by Wilkinson would result in a frame containing independent appliance modules each with its own connector in isolation from each other, connecting each appliance to a separate power source as opposed to sharing a common utility chassis. Such contrasts from the recitation of structure of claim 1 in which a utility chassis is provided for as well as identical clusters of connectors. Further, neither Alden et al. nor Wilkinson reveal the cluster concept of connectors and

Serial No. 10/534,550
Office Action dated October 10, 2006
Amendment dated December 27, 2006

their identical relative positions as set forth in claim 1. Such is advantageous in accommodating one or more appliance units of the same or different type that need to access the same or different utilities to operate.

As concerns claim 2, the recited invention was further amended to recite removable guides as mentioned in paragraph [0017] that render the frame structure divisible into areas as fractional components of the same frame structure. Example: One can have a combination of widths of components to comprise 36" section. Neither Alden or Wilkinson speak to the fractional capabilities within a common footprint, and certainly do not make it easy. Would likely require "substantial modification" again.

As concerns claim 4, neither Alden or Wilkinson talk about an interconnection of utilities between frames.

As concerns claim 12, its amended subject matter is based on the second sentence of paragraph [0036]. and paragraphs [0037] and [0038] . As concerns claim 5, its amended language is based on paragraph [0040]. As concerns claim 21, its amended claim language is based on paragraphs [0038] and [0051]- [0053]

New claim 25 includes subject matter from the last two lines of paragraph [0040] of the present application. The subject matter of new claim 27 is in paragraph [0049]. The subject matter of new claims 28-30 is found in paragraph [0038]. The subject matter of new claims 31 and 32 is based on paragraphs [0016], [0017]. The subject matter of new claim 33 is found in paragraph [0021].

Favorable consideration is earnestly solicited.

Respectfully submitted,
Lee Simon

Serial No. 10/534,550
Office Action dated October 10, 2006
Amendment dated December 27, 2006



Robert J. Hess, Reg. no. 32,139
Attorney for Applicant
HESS PATENT LAW FIRM, P.C.
9 Miramar Lane, Stamford, CT 06902
phone 203 356 0727